

20 of the milk room clean.

21 5. No lights shall be placed directly over the bulk tank.

22 6. The bulk tank shall be properly located in the milk room for easy  
23 access to all areas for cleaning and servicing.

24 7. This Act shall become effective July 4, 1963, for all subsequent  
25 installations of bulk tanks for milk produced for manufacturing pur-  
26 poses.

27 8. On and after July 1, 1965, all bulk tank installations existing  
28 prior to July 4, 1963, must comply with the provisions of this Act.

29 9. The enforcement of this Act shall be administered by the Iowa  
30 department of agriculture.

31 10. Any person violating any provisions of this Act shall be pun-  
32 ished by a fine of not more than fifty dollars (\$50.00).

Approved May 2, 1963.

## CHAPTER 137

### COMMERCIAL FEED

S. F. 385

AN ACT to regulate the distribution of commercial feeds and customer-formula feeds in the state of Iowa.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Chapter one hundred ninety-eight (198), Code 1962, is hereby re-  
2 pealed and the following enacted in lieu thereof:

1 SECTION 1. This Act shall be known as the "Iowa Commercial Feed  
2 Law of 1964".

1 SEC. 2. This Act shall be administered by the secretary of agricul-  
2 ture hereinafter referred to as the "secretary".

1 SEC. 3. When used in this Act:

2 1. The term "person" includes individual, partnership, corporation  
3 and association.

4 2. The term "distribute" means to offer for sale, sell or barter, com-  
5 mercial feed or customer-formula feed; or to supply, furnish or other-  
6 wise provide commercial feed or customer-formula feed to a contract  
7 feeder.

8 The term "distributor" means any person who distributes.

9 3. The term "sell" or "sale" includes exchange.

10 4. The term "commercial feed" means all materials singly or in com-  
11 bination which are distributed for use as feed or for mixing in feed,  
12 for animals other than man, except:

13 a. Unmixed whole or unmixed ground, rolled, crimped or flaked  
14 whole seeds.

15 b. Unground hay, straw, stover, silage, cobs, husks and hulls when  
16 not mixed with other materials.

17 c. Individual chemical compounds when not mixed with other mate-

18 rials.

19 5. The term "feed ingredient" means each of the constituent mate-  
20 rials making up a commercial feed.

21 6. The term "customer-formula feed" means a mixture of commer-  
22 cial feeds and materials each batch of which mixture is mixed accord-  
23 ing to the specific instructions of the final purchaser, or contract  
24 feeder.

25 7. The term "stock tonic" means a class of commercial feed for live-  
26 stock and poultry such as remedies for the cure and mitigation of dis-  
27 eases and other nonnutritional conditions. They shall include only  
28 those articles and products for oral administration and shall not in-  
29 clude medicated livestock and poultry feeds.

30 8. The term "brand name" means any word, name, symbol or device  
31 or any combination thereof, identifying the commercial feed or a dis-  
32 tributor and distinguishing it from that of others.

33 9. The term "product name" means the name of the commercial feed  
34 which identifies it as to kind, class or specific use.

35 10. The term "label" means a display of written, printed or graphic  
36 matter upon or affixed to the container in which a commercial feed is  
37 distributed, or on the invoice or delivery slip with which a commercial  
38 feed or customer-formula feed is distributed.

39 11. The term "ton" means a net weight of two thousand pounds  
40 avoirdupois.

41 12. The terms "percent" or "percentage" means percentage by  
42 weight.

43 13. The term "official sample" means any sample of feed taken by  
44 the secretary or his agent and designated as "official" by the secretary.

45 14. The term "contract feeder" means a person who, as an inde-  
46 pendent contractor, feeds commercial feed to animals pursuant to a  
47 contract whereby such commercial feed is supplied, furnished or other-  
48 wise provided to such a person and whereby such person's remunera-  
49 tion is determined all or in part by feed consumption, mortality,  
50 profits, or amount or quality of product.

1 SEC. 4.

2 1. Any person who manufactures, mixes or mixes to customer order  
3 any commercial feeds, or customer-formula feeds, or stock tonic, of-  
4 fered for sale, sold or distributed in the state of Iowa must first obtain  
5 a license from the secretary, said license to expire on December 31 of  
6 each year and be renewed annually.

7 2. The application for license shall be submitted on forms furnished  
8 by the secretary providing current name and address of applicant.

9 3. Each license application shall be accompanied by the annual li-  
10 cense fee of two dollars per license. License fees so collected shall  
11 become a part of the fund stipulated in section seven (7), subsection  
12 three (3) of this Act.

1 SEC. 5.

2 1. Each commercial feed and stock tonic shall be registered before  
3 being distributed in this state; provided, however, that customer-  
4 formula feeds are exempt from registration. The application for regis-  
5 tration shall be submitted on forms furnished by the secretary and, if

6 the secretary so requests, shall also be accompanied by a label or other  
7 printed matter describing the product. Upon approval by the secretary  
8 a duplicate copy of the registration shall be furnished to the applicant.  
9 All registrations shall expire on December 31 of each year. Registra-  
10 tions to be renewed with no changes in label guarantee may be reregis-  
11 tered by forwarding a list showing product name and brand name and  
12 department of agriculture registration number to the secretary. For  
13 any commercial feed on which the label guarantee has been changed or  
14 altered or for a new commercial feed, a new registration application  
15 must be filed. The application shall include the information required  
16 by paragraphs "b", "c", "d" and "e" of subsection one (1) of section  
17 six (6). The secretary may by regulation permit on the registration  
18 the alternative listing of ingredients of comparable feeding value,  
19 provided that the label for each package shall state the specific in-  
20 gredients which are in such package.

21 2. A distributor shall not be required to register any brand of com-  
22 mercial feed which is already registered under this Act by another  
23 person.

24 3. The secretary is empowered to refuse registration of any appli-  
25 cation not in compliance with the provisions of this Act, and to cancel  
26 any registration subsequently found not to be in compliance with any  
27 provisions of this Act; provided, however, that no registration shall be  
28 refused or canceled until the registrant shall have been given oppor-  
29 tunity to be heard before the secretary, and to amend his application  
30 in order to comply with the requirements of this Act.

31 4. All articles subject to the registration requirements of this Act  
32 shall be exempt from any provisions of chapter two hundred three  
33 (203) of the Code.

1 SEC. 6.

2 1. Any commercial feed distributed in this state shall be accom-  
3 panied by a legible label bearing the following information.

4 a. The net weight.

5 b. The product name and brand name, if any, under which the com-  
6 mercial feed is distributed.

7 c. The guaranteed analysis of the commercial feed, listing the mini-  
8 mum percentage of crude protein, minimum percentage of crude fat,  
9 and maximum percentage of crude fiber. For mineral feeds, the list  
10 shall include the following if added:

11 Minimum and maximum percentages of calcium (Ca), minimum per-  
12 centage of phosphorus (P), minimum percentage of iodine (I), and  
13 minimum and maximum percentages of salt (NaCl). Other substances  
14 or elements, determinable by laboratory methods, may be guaranteed  
15 by permission of the secretary. When any items are guaranteed, they  
16 shall be subject to inspection and analysis in accordance with the  
17 methods and regulations that may be prescribed by the secretary.  
18 Products distributed solely as mineral or vitamin supplements and  
19 guaranteed as specified in this section need not show guarantee for  
20 protein, fat and fiber.

21 d. The common or usual name of each ingredient used in the manu-  
22 facture of the commercial feed, except as the secretary may, by regu-  
23 lation, permit the use of a collective term for a group of ingredients

24 all of which perform the same function. An ingredient statement is  
25 not required for single standardized ingredients feeds which are offi-  
26 cially defined.

27 *e.* The name and principal address of the person responsible for  
28 distributing the commercial feed.

29 2. When a commercial feed is distributed in this state in bags or  
30 other containers, the label shall be placed on or affixed to the contain-  
31 er; when a commercial feed is distributed in bulk the label shall accom-  
32 pany delivery and be furnished to the purchaser at time of delivery.

33 3. A customer-formula feed shall be labeled by invoice. The invoice,  
34 which shall accompany delivery and be supplied to the purchaser at  
35 the time of delivery, shall bear the following information.

36 *a.* Name and address of the mixer.

37 *b.* Name and address of the purchaser.

38 *c.* Date of sale.

39 *d.* The product name and brand name, if any, and number of pounds  
40 of each registered commercial feed used in the mixture and the name  
41 and number of pounds of each other feed ingredient added.

42 4. If a commercial feed or a customer-formula feed contains a non-  
43 nutritive substance which is intended for use in the diagnosis, cure,  
44 mitigation, treatment or prevention of disease or which is intended to  
45 affect the structure or any function of the animal body, the secretary  
46 may require the label to show the amount present, directions for use,  
47 and warnings against misuse of the feed.

48 5. Stock tonics shall be labeled in accordance with the rules and  
49 regulations prescribed by the United States food and drug administra-  
50 tion, a division of the department of health, education and welfare;  
51 and the label must include the name and percentage of the active drug  
52 ingredients, list all other ingredients, and present directions for use  
53 and warnings against misuse, and state the quantity of contents of  
54 the package in which sold or distributed.

#### 1 SEC. 7.

2 1. There shall be paid by the first distributor of a commercial feed  
3 in this state to the secretary for all commercial feeds distributed in  
4 this state an inspection fee of ten cents per ton; provided, however,  
5 that the following are hereby exempted:

6 *a.* Feed ingredients if they are distributed in this state but are sub-  
7 sequently shipped out of this state, either as received or as compon-  
8 ents of mixed feeds.

9 *b.* Customer-formula feeds if the inspection fee is paid on the reg-  
10 istered commercial feeds which they contain.

11 *c.* Commercial feeds distributed to manufacturers if the commercial  
12 feeds so distributed are used solely in feeds which are to be registered.

13 *d.* Persons, firms or corporations who purchase commercial feeds on  
14 which the tonnage inspection fee has been paid or has been pledged to  
15 be paid.

16 2. In lieu of the tonnage inspection fee on stock tonic there shall be  
17 paid a registration fee of six dollars annually.

18 3. Fees so collected shall constitute a fund for the payment of only  
19 the costs of inspection, sampling, analysis and administrative expenses  
20 necessary for the enforcement of this Act. The secretary shall prepare

21 a detailed annual report by July 31 of each year of the moneys dis-  
 22 bursed from this fund during the preceding year, and this report shall  
 23 be distributed to all registrants immediately after compilation. When  
 24 it is unanimously agreed by the governor, secretary of agriculture and  
 25 the comptroller that there are sufficient funds to carry out the man-  
 26 dates of this Act for at least twelve months, they may direct that any  
 27 excess funds be returned to the general fund.

28 4. Every person, except as hereinafter provided, who distributes  
 29 commercial feed in this state shall:

30 a. File, not later than the last day of January and July of each year,  
 31 a semiannual statement setting forth the number of net tons of  
 32 commercial feeds distributed in this state during the preceding six  
 33 months of the calendar year, and upon filing such statement shall pay  
 34 the inspection fee at the rate stated in subsection one (1) of this sec-  
 35 tion. When more than one person is involved in the distribution of a  
 36 commercial feed, the person who first distributes the commercial feed  
 37 in the state is responsible for reporting the tonnage and paying the  
 38 inspection fee unless he is specifically exempted by subsection one (1)  
 39 of this section. If the tonnage report is not filed and the payment of  
 40 inspection fees is not made within ten days after the due date, a pen-  
 41 alty amounting to ten percent of the amount due shall be assessed  
 42 against the licensee and the amount of fees due plus penalty shall con-  
 43 stitute a debt and become the basis of a judgment against the licensee.

44 b. Keep such records as may be necessary to indicate accurately the  
 45 tonnage of commercial feed distributed in this state, and the secretary  
 46 shall have the right to examine such records to verify statements of  
 47 tonnage.

48 Failure to make an accurate statement of tonnage or to pay the  
 49 inspection fee or comply with the provisions herein shall constitute  
 50 sufficient cause for the cancellation of all registrations on file for the  
 51 distributor.

1 SEC. 8. No person shall distribute an adulterated feed. A commer-  
 2 cial feed or customer-formula feed shall be deemed to be adulterated:

3 1. If any poisonous, deleterious or nonnutritive ingredient has been  
 4 added in sufficient amount to render it injurious to health when fed in  
 5 accordance with directions for use on the label.

6 2. If any valuable constituent has been in whole or in part omitted  
 7 or abstracted therefrom or any less valuable substance substituted  
 8 therefor.

9 3. If its composition or quality falls below or differs from that which  
 10 it is purported or is represented to possess by its labeling.

11 4. If it contains added hulls, screenings, straw, cobs, or other high  
 12 fiber material unless the name of each such material is stated on the  
 13 label.

14 5. If it contains viable weed seeds in amounts exceeding the limits  
 15 which the secretary shall establish by rule or regulation.

1 SEC. 9. No person shall distribute misbranded feed. A commercial  
 2 feed or customer-formula feed shall be deemed to be misbranded:

3 1. If its labeling is false or misleading in any particular.

4 2. If it is distributed under the name of another feed.

5 3. If it is not labeled as required in section six (6) of this Act and in  
6 regulations prescribed under this Act.

7 4. If it purports to be or is represented as a feed ingredient, or if it  
8 purports to contain or is represented as containing a feed ingredient,  
9 unless such feed ingredient conforms to the definition of identity, if  
10 any, prescribed by regulation of the secretary. In the adoption of such  
11 regulations the secretary shall give due regard to commonly accepted  
12 definitions such as those issued by the association of American feed  
13 control officials.

14 5. If any word, statement, or other information required by or under  
15 authority of this Act to appear on the label or labeling is not promi-  
16 nently placed thereon with such conspicuousness (as compared with  
17 other words, statements, designs, or devices in the labeling) and in  
18 such terms as to render it likely to be read and understood by the  
19 ordinary individual under ordinary conditions of purchase and use.

1 SEC. 10.

2 1. It shall be the duty of the secretary, who may act through his  
3 authorized agent, to sample, inspect, make analyses of, and test com-  
4 mercial feeds and customer-formula feeds distributed within this state  
5 at such time and place and to such an extent as he may deem necessary  
6 to determine whether such feeds are in compliance with the provisions  
7 of this Act. The secretary, individually or through his agent, is au-  
8 thorized to enter upon any public or private premises including any  
9 vehicle of transport during regular business hours in order to have  
10 access to commercial feeds and customer-formula feeds and to records  
11 relating to their distribution.

12 2. The methods of sampling and analysis shall be those adopted by  
13 the secretary from sources such as the journal of the Association of  
14 Official Agricultural Chemists.

15 3. The secretary, in determining for administrative purposes  
16 whether a commercial feed is deficient in any component, shall be  
17 guided solely by the official sample as defined in subsection thirteen  
18 (13) of section three (3) and obtained and analyzed as provided for  
19 in subsection two (2) of section ten (10).

20 4. When the inspection and analysis of an official sample indicates  
21 a commercial feed has been adulterated or misbranded, the results of  
22 analysis shall be forwarded by the secretary to the distributor and the  
23 purchaser. Upon request, and notwithstanding any other requirements  
24 of Title X of the Code, within thirty (30) days after the distributor  
25 has been notified of the adulteration or misbranding, the secretary  
26 shall furnish to the distributor a portion of the sample concerned.

1 SEC. 11. The secretary is hereby charged with the enforcement of  
2 this Act, and after due publicity and due public hearing, is empowered  
3 to promulgate and adopt such reasonable rules and regulations as may  
4 be necessary in order to secure the efficient administration of this Act.  
5 Publicity concerning the public hearing shall be reasonably calculated  
6 to give interested parties adequate notice and adequate opportunity  
7 to be heard.

1     **SEC. 12.**

2     1. When the secretary or his authorized agent has reasonable cause  
3 to believe any lot of commercial feed is being distributed in violation  
4 of any of the provisions of this Act, or of any of the prescribed regu-  
5 lations under this Act, he may issue and enforce a written or printed  
6 "withdrawal from distribution" order warning the distributor not to  
7 dispose of the lot of feed in any manner until written permission is  
8 given by the secretary or the court. The secretary shall release the lot  
9 of commercial feed so withdrawn when said provisions and regulations  
10 have been complied with by said distributor. If compliance is not ob-  
11 tained within thirty days, the secretary may begin, or upon request of  
12 the distributor shall begin, proceedings for condemnation.

13     2. Any lot of commercial feed not in compliance with said provisions  
14 and regulations shall be subject to seizure on complaint of the secre-  
15 tary to a court of competent jurisdiction in the area in which said  
16 commercial feed is located. In the event the court finds the said com-  
17 mercial feed to be in violation of this Act and orders the condemnation  
18 of said commercial feed, it shall be disposed of in any manner con-  
19 sistent with the quality of the commercial feed and the laws of the  
20 state; provided, that in no instance shall the disposition of said com-  
21 mercial feed be ordered by the court without first giving the claimant  
22 an opportunity to apply to the court for release of said commercial  
23 feed or for permission to process or relabel said commercial feed to  
24 bring it into compliance with this Act.

1     **SEC. 13.**

2     1. Any person convicted of violating any of the provisions of this  
3 Act or the rules and regulations issued thereunder or who shall impede,  
4 obstruct, hinder, or otherwise prevent or attempt to prevent said sec-  
5 retary or his duly authorized agent in performance of his duty in  
6 connection with the provisions of this Act, shall be adjudged guilty  
7 of a misdemeanor and shall be fined not less than twenty-five dollars  
8 or more than one hundred fifty dollars for the first violation, and not  
9 less than fifty dollars or more than three hundred dollars for a subse-  
10 quent violation. In all prosecutions under this Act involving the com-  
11 position of a lot of commercial feed, a certified copy of the official  
12 analysis signed by the secretary shall be accepted as prima facie evi-  
13 dence of the composition.

14     2. Nothing in this Act shall be construed as requiring the secretary  
15 or his representative to report for prosecution or for the institution of  
16 seizure proceedings as a result of minor violations of the Act when he  
17 believes that the public interest will be best served by a suitable  
18 written notice of warning.

19     3. It shall be the duty of each county attorney to whom any violation  
20 is reported to cause appropriate proceedings to be instituted and prose-  
21 cuted in a court of competent jurisdiction without delay. Before the  
22 secretary reports a violation for such prosecution, an opportunity shall  
23 be given the distributor to present his view to the secretary.

24     4. The secretary is hereby authorized to apply for and the court to  
25 grant a temporary or permanent injunction restraining any person  
26 from violating or continuing to violate any of the provisions of this Act  
27 or any rule or regulation promulgated under this Act notwithstanding

28 the existence of other remedies at law, said injunction to be issued  
29 without bond.

30 5. Any person adversely affected by an act, order or ruling made  
31 pursuant to the provisions of this Act may within forty-five days  
32 thereafter bring action in the district court in and for Polk county for  
33 new trial of the issues bearing upon such act, order or ruling, and upon  
34 such trial the court may issue and enforce such orders, judgments or  
35 decrees as the court may deem proper, just and equitable.

1 SEC. 14. The secretary shall publish at least annually, in such form  
2 as determined after a public hearing to which all Iowa feed registrants  
3 and other interested parties are invited, a resume of the analytical  
4 results obtained including information concerning the sales of com-  
5 mercial feeds, together with such data on their production and use as  
6 he may consider advisable, and a resume of the results of the  
7 analyses of official samples of commercial feeds sold within the state  
8 as compared with the analyses guaranteed in the registration and on  
9 the label; provided, however, that the information concerning produc-  
10 tion and use of commercial feeds shall not disclose the operation of any  
11 person.

1 SEC. 15. If any clause, sentence, paragraph, or part of this Act  
2 shall for any reason be judged invalid by any court of competent juris-  
3 diction, such judgment shall not affect, impair or invalidate the re-  
4 mainder thereof but shall be confined in its operation to the clause,  
5 sentence, paragraph or part thereof directly involved in the contro-  
6 versy in which such judgment shall have been rendered.

1 SEC. 16. All other laws and parts of laws in conflict with or incon-  
2 sistent with the provisions of this Act are hereby superseded by the  
3 provisions of this Act for the purpose of this Act.

1 SEC. 17. This Act shall take effect and be in force from and after  
2 the first day of January, 1964.

Approved May 2, 1963.

## CHAPTER 138

### AGRICULTURAL SEEDS

#### H. F. 317

AN ACT to amend chapter one hundred ninety-nine (199), Code 1962, relating to agricultural seeds.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section one hundred ninety-nine point one (199.1),  
2 Code 1962, is amended by striking all of subsection two (2) and insert-  
3 ing in lieu thereof the following:  
4 "The term 'agricultural seeds' shall mean the seeds of grass, forage,